

July 21, 1997

**DURHAM, NORTH CAROLINA
MONDAY, JULY 21, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Absent: Council Member Wright.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order and at this time, the Mayor welcomed Council's newly appointed employees - City Manager P. Lamont Ewell and City Attorney Henry Blinder.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The following items were pulled by citizens: Consent Items 2, 3, 10 and 51.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

[CONSENT AGENDA]

SUBJECT: COMMUNITY SUBSTANCE ABUSE PREVENTION PROGRAM

MOTION by Council Member Larson seconded by Council Member Miller to adopt the "City of Durham Grant Project Ordinance U.S. Department of Health and Human Services Community Substance Abuse Prevention Program" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11205

July 21, 1997

**SUBJECT: AMENDMENT TO CONTRACT BETWEEN PARKWOOD VOLUNTEER
FIRE DEPARTMENT AND THE CITY OF DURHAM FOR FIRE
PROTECTION**

To authorize the City Manager to execute an amended contract between the City of Durham and Parkwood Volunteer Fire Department to cover supplemental fire protection by adding to Appendix A the areas known as Audobon Park, Parkwood 1997 and Eastern; by replacing Appendix B with the attached amended Appendix B; and by extending the service date for the Eastern renewal area eight months.

MOTION by Council Member Larson seconded by Council Member Miller to approve the request by Parkwood Volunteer Fire Department to remove this item from the agenda was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: INSURANCE PLAN FOR FISCAL YEAR 1998

MOTION by Council Member Larson seconded by Council Member Miller to authorize insurance to be maintained in accordance with the Fiscal Year 1998 Insurance Plan was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**SUBJECT: FISCAL YEAR 1997 TRANSIT GRANT AMENDMENT WITH THE
FEDERAL TRANSIT ADMINISTRATION**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Authorizing the Amendment of an Existing Grant Agreement with the Federal Transit Administration" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8361

SUBJECT: FISCAL YEAR 1998 TRANSIT PROGRAM OF PROJECTS AND

July 21, 1997

**BUDGET, FEDERAL TRANSIT GRANT APPLICANT, AND STATE
TRANSIT GRANT APPLICATION**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Approve a Federal Transit Administration Program of Projects for the City of Durham, North Carolina";

To adopt a "Resolution Authorizing the Filing of a Grant Application and Execution of a Grant Agreement with the Federal Transit Administration"; and

To adopt a "City of Durham and North Carolina Department of Transportation Section 5307 Capital Grant Resolution" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**Resolution #8362
Resolution #8363
Resolution #8364**

**SUBJECT: TRIANGLE TRANSIT AUTHORITY DESIGNATED RECIPIENT
REQUEST - RESEARCH TRIANGLE REGIONAL PUBLIC
TRANSPORTATION AUTHORITY**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Supporting the Designation of the Triangle Regional Public Transportation Authority as a Recipient for Federal Formula Funds" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8365

**SUBJECT: ORDINANCE CREATING A TAXICAB COMMISSION - SUNSET
PROVISION**

MOTION by Council Member Larson seconded by Council Member Miller to adopt An Ordinance Reenacting Ordinance #6863, "An Ordinance Creating a Taxicab Commission and Prescribing the Powers and Duties Thereof" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

July 21, 1997

Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11207

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT AND NON-CITY AGENCY GRANT AGREEMENT BETWEEN THE DURHAM AFFORDABLE HOUSING COALITION AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a performance based contractual agreement with the Durham Affordable Housing Coalition in the amount of \$200,000 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT AND NON-CITY AGENCY GRANT AGREEMENT BETWEEN CONSUMER CREDIT COUNSELING SERVICES OF DURHAM AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a performance based contractual agreement with the Consumer Credit Counseling Services of Durham in the amount of \$86,000 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: FINAL APPROVALS FOR IVY COMMONS PROJECT

a. Loan Agreement and Related Closing Documents

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Agreement with the Ivy Commons Limited Partnership in the amount of \$1,471,188 and to execute related closing documents and to make minor changes to the Loan Agreement and other related closing documents as are consistent with the loan terms and the 1996 Housing Bond Program requirements approved by City Council; and

To determine and find that financing for this housing project

July 21, 1997

is not otherwise available, wholly or in part, from public or private lenders on equivalent or reasonably equivalent terms and conditions was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

b. Issuance of Multi-Family Housing Revenue Bonds

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Authorizing Issuance of Multi-Family Housing Revenue Bonds (Ivy Commons Project) Series 1997" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8366

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT - CALVARY MINISTRIES OF THE WESTEND, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an amendment to the 1996-97 Subrecipient Agreement between the City of Durham and Calvary Ministries of the Westend, Inc. to extend the termination date of the agreement from June 30, 1997 to June 30, 1998 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: 1997-98 SUBRECIPIENT AGREEMENT - DURHAM COMMUNITY LAND TRUSTEE, INC. - WEST END, LYON PARK AND BURCH AVENUE NEIGHBORHOODS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to execute a 1997-98 Community Development Block Grant (CDBG) Subrecipient Agreement with the Durham Community Land Trustees, Inc. to grant up to \$35,000 to fund the position of a Construction Manager for the period July 1, 1997 through June 30, 1998 to assist in the development of affordable

July 21, 1997

housing for low income persons in the West End, Lyon Park and Burch Avenue neighborhoods located in Southwest Central Durham to be contingent upon receipt of the 1997-98 Community Development Block Grant award from the U. S. Department of Housing and Urban Development was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8367

SUBJECT: AGREEMENT WITH PRIVATE REFUSE COLLECTOR - BARBOUR'S WASTE DISPOSAL, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Barbour's Waste Disposal, Inc. under which the City agrees to pay "economic loss" under N.C.G.S 160A-49.3 for a sum of \$7,956. Barbour's Waste Disposal agrees that the above payment discharges the City's obligation to contract with them for service and agrees to waive all claims to appeal was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: PROPOSED LEASE AGREEMENT FOR EQUAL OPPORTUNITY EQUITY ASSURANCE DEPARTMENT, SELF-HELP VENTURES FUND, BULL CITY BUSINESS CENTER LOCATED AT 115 MARKET STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Lease Agreement with Self-Help Ventures Fund, d/b/a Bull City Business Center, for the rental of Suite 360, located in the Bull City Business Center, 115 Market Street was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: REPORT ON THE PROPOSED SALE OF PROPERTY AT 1000 EAST MAIN STREET - HAYTI DEVELOPMENT CORPORATION

July 21, 1997

MOTION by Council Member Larson seconded by Council Member Millerto receive a report concerning the proposed sale of the property;

To rescind approval of the sale of the property at 1000 East Main Street to Hayti Development Corporation (HDC) and rescind the City's acceptance of HDC's offer of \$5,000 to purchase the property; and

To approve refunding the bid security deposit in the amount of \$250 to HDC was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: FEES FOR ZONING AND DEVELOPMENT REVIEWS AND CONSIDERATIONS FOR FISCAL YEAR 1997-98

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Amending Resolution #8354 Establishing Fees for Zoning and Development Reviews and Consideration" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8368

SUBJECT: FISCAL YEAR 1997-98 FINANCIAL PLANS FOR INTERNAL SERVICE FUND

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Amending Resolution #8355 Establishing FY 1997-98 Financial Plans for Internal Service Funds" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8369

SUBJECT: AUTHORIZATION FOR OUTSIDE COUNSEL ON LANDFILL RELATED LITIGATION - FAISON FIRM

July 21, 1997

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Attorney to engage the Faison firm on an as-needed basis in litigation related to the solid waste disposal project was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: HUMAN RELATIONS COMMISSION APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to re-appoint Harry F. Dawley, Jr., Naren Govind Tambe, and Abdul-Hafeez Waheed to the Human Relations Commission with terms to expire June 30, 2000; and

To direct the City Clerk to re-advertise for three minority positions was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: RESOLUTION MEMORIALIZING WADE L. CAVIN

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing former Mayor Wade L. Cavin was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - FEDERAL AVIATION
ADMINISTRATION AIP GRANT NUMBERS 3-37-0056-20 AND 3-
37-0056-21**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acceptance of grant offers in advance of the exact amounts of the grants being finalized and receipt of the actual paperwork for the grant offers for the following projects:

- a. Runway 14-32 Pavement Rehabilitation, RDU Project Number 080359, FAA AIP Grant Number 3-37-0056-20

July 21, 1997

- b. North Ramp General Aviation Area Redevelopment, Phase I, RDU Project Number 080339, FAA AIP Grant Number 3-37-0056-21; and

To authorize the City Manager to execute the Grant Agreements and the City Attorney to give assurances with respect thereto was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: PROPOSED ACQUISITION OF PROPERTY FOR EDMONT AREA II REVITALIZATION - CALVERT PLACE PROJECT LOCATED AT 209 LAUREL STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the Option to purchase property located at 209 Laurel Street, shown on Tax Map 134-05-10, for \$50,000 from William C. Boyce, Jr. and Melvin Rudder was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: PROPOSED ACQUISITION OF PROPERTY FOR THE FUTURE EXPANSION OF LAKE MICHIE

- a. Property of Percy L. Duke and Wife Patsy L. Duke

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of approximately 14.409 acres, land only, Tax Map 955-01-009 (partial), property of Percy L. Duke and Wife Patsy L. Duke for \$110,900 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

- b. Property of Leroy Ellis and Wife Bertha Ellis

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of approximately 8.725 acres, land only, Tax Map 946-01-004C (partial), property of

July 21, 1997

Leroy Ellis and Wife Bertha Ellis for \$58,540 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ORDINANCE AMENDMENT FOR TEMPORARY TRANSFER STATIONS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Designating Zoning Code Amendment Regarding Temporary Transfer Stations as Council-Initiated Zoning Amendment and Setting a Public Hearing Concerning Such Amendment"--**public hearing scheduled for Monday, August 4, 1997** was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Resolution #8370

SUBJECT: STATUS REPORT ON ORDINANCE CONCERNING BANNING RECYCLABLES FROM THE LANDFILL

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration on the ordinance concerning banning recyclables from the landfill was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: LAKE MICHIE DAM UPGRADE AND FLOOD EROSION MITIGATION, TRI-STATE CONSULTANTS, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Tri-State Consultants, Inc. in the amount of \$207,046 for the Lake Michie Dam Upgrade and Flood Erosion Mitigation; and

To authorize the City Manager to execute any Change Orders necessary, provided the total project cost does not exceed the Project Ordinance was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

July 21, 1997

Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: REPAIR AND REPAINTING OF THE EAST DURHAM ELEVATED TANK - G & M PAINTING ENTERPRISE, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with G & M Painting Enterprise, Inc. in the amount of \$394,000 for the repair and repainting of the East Durham elevated tank; and

To authorize the City Manager to execute any Change Orders necessary, provided the total project cost does not exceed the Project Ordinance was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: STATUS REPORT ON FRAN RECOVERY EFFORT

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration on the Fran recovery effort was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: CONTRACT WS-70, SOUTH SQUARE WATER MAIN INTERCONNECTIONS - BILLINGS & GARRETT, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Billings & Garrett, Incorporated in the amount of \$275,500 for South Square water main interconnections; and

To authorize the expenditure of \$325,000 from the Water Extensions and Improvements Account was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

SUBJECT: CONTRACT SR-15 - SEWER OUTFALL RESTORATION, BRYANT ELECTRIC COMPANY, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Bryant Electric Company, Incorporated in the amount of \$78,220 for sewer outfall restoration; and

To authorize the expenditure of \$90,000 from Fran/FEMA Funds was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: CONTRACT ST-170, HARDY-WARD, INC., ANDERSON STREET SIDEWALK

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Hardy-Ward, Inc. in the amount of \$74,279.10 for Anderson Street sidewalk; and

To authorize the expenditure of \$85,000 from the New Sidewalk Construction Account was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT, WOODLAKE RESIDENTIAL DEVELOPMENT, AMENDMENT NO. 2

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Amendment No. 2 to the Woodlake Residential Development Water and Sewer Extension Agreement was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: LICENSE AGREEMENT - CROASDAILE SPRINKLER SYSTEM, CROASDAILE COUNTRY CLUB, INCORPORATED

July 21, 1997

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a license agreement with Croasdaile Country Club, Incorporated for the installation of a sprinkler system was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ANNUAL CERTIFICATION OF FIREMEN - NORTH CAROLINA FIREMEN'S PENSION FUND

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to certify the "Annual Certification of Firemen" for the North Carolina Firemen's Pension Fund was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: BID REPORT - JUNE 1997

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of June 1997 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

[See Attachment #1 for itemized bid report]

SUBJECT: BIDS - INDUCTIVELY COUPLED PLASMA MASS SPECTROMETER, THE PERKIN-ELMER CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from The Perkin-Elmer Corporation in the amount of \$152,939.00 for furnishing the City with an inductively coupled plasma-mass spectrometer with trade-in was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

SUBJECT: TAXICAB DRIVER'S PERMITS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Taxicab Inspector concerning the issuance of certain taxicab driver's permits was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

The following persons made application for a new taxicab driver's permit.

Name	Company
John A Covington	McKay's Cab Company
Muhammad Nubee	Safeway Cab Company
William Spearman	Mike's Cab Company
John Grisson	McKay's Cab Company
Abdulrajiku Ahmed	Safeway Cab Company
Jacqueline Rowell	Danite II Cab Company
Sabir Adbul Lateff	Safeway Cab Company
Tracey Pope	W.W./Week's Cab Company

The following persons made application for renewal of their taxicab driver's permit.

W. W. Johnson	Star Cab Company
Curtis Pendergrass	Sandi's/JC's Cab Company
Tracey Pope	W.W./Week's Cab Company
John Smith	Smith/Smokey's Cab Company
Tony Sampson	Canaday's Cab Company
John C. White, Jr.	Johnny's Cab Company
David B. Smith	Smith's Cab Company
Mitchell Cade	W.W./Weeks Cab Company
James Dixon	Dixon's Cab Company
Linda Mott	JC's Cab Company
Monroe Merritt	Merritt's Cab Company
Otis Cates	Sandi's Cab Company
Alfred Williams	Sandi's Cab Company
John Patterson	McKay's Cab Company
Michael Johnson	Capell's Cab Company
Reginald Dixon	Safeway Cab Company
Milford Williams	MET'R Cab Company
Quintine Page	Pine Street Cab Company

July 21, 1997

The following persons made late application for renewal of their taxicab driver's permit.

Ivy Edmundson, Jr.	DART Cab Company
Mark McMillan	W.W./Week's Cab Company
Evangeline Roberson	Johnny's Cab Company
Frank Walker	Bama Cab Company
Anthony C. McKnight	Johnny's Cab Company
Jerry Coffin	Coffin's Cab Company
James Rowell	Danite II Cab Company
Joanne Williams	Canaday's Cab Company
Timothy Scott	DART Cab Company
Elbert Easter	M & L Cab Company
Doc Evans, Jr.	Sandi's Cab Company

SUBJECT: STOP SIGNS - DOVER RIDGE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Dover Ridge Lane at Guess Road, northeast corner
- 2) Cheshire Bridge Road at Dover Ridge Lane, northeast corner

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11208

SUBJECT: STOP SIGNS - FORTUNE'S RIDGE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Swallow Ridge Court at Striding Ridge Court, southwest corner
- 2) Gray Fox Court at Tall Oaks Drive, northwest corner
- 3) Midpines Court at Tall Oaks Drive, southeast corner
- 4) Cobble Glen Court at Tall Oaks Drive, southeast corner
- 5) Hitching Rock Court at Tall Oaks Drive, northwest corner
- 6) Brightleaf Court at Tall Oaks Drive, northwest corner

July 21, 1997

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11209

SUBJECT: STOP SIGNS - NORTHWOOD CIRCLE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance repealing Ordinance #2478, adopted June 6, 1966, authorizing the installation of yield signs on Northwood Circle at North Street, northeast and southwest corners; and

To adopt an ordinance authorizing the installation of stop signs on Northwood Circle at North Street, northeast and southwest corners was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11210

Ordinance #11211

SUBJECT: STOP SIGNS - SEATON ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Seaton Road Extension at Wenonah Way, northwest corner was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11212

SUBJECT: STOP SIGNS - STONEBRIDGE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations in the Stonebridge Subdivision:

July 21, 1997

- 1) Cedar Glen Drive at Bridgewood Drive, southeast corner
- 2) Cedar Glen Drive at Valley Ridge Drive, northeast corner

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11213

SUBJECT: STOP SIGNS - STREBOR STREET AREA

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Spruce Knob Court at Strebor Street, southeast corner
- 2) Cougar Court at Strebor Street, southeast corner
- 3) Spicer's Court at Strebor Street, southeast corner
- 4) Trimble Court at Strebor Street, southeast corner
- 5) Stockbridge Court at Strebor Street, southeast corner
- 6) Galaxy Court at Strebor Street, northwest corner
- 7) Comet Court at Strebor Street, northwest corner
- 8) Mustang Court at Strebor Street, northwest corner
- 9) Misty Creek Court at Strebor Street, northwest corner
and
- 10) Parkridge Court at Strebor Street, northwest corner

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11214

SUBJECT: STOP SIGN - VAN TRINE LANE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Van Trine Lane at Westover Road, northeast corner was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent:

July 21, 1997

Council Member Wright.

Ordinance #11215

SUBJECT: STOP SIGN - THACKERY PLACE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Thackery Place at St. Marks Road, northwest corner was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11216

SUBJECT: HANDICAP PARKING - LAWSON STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish handicap parking on the south side of Lawson Street in the area beginning at a point 130 feet east of the east curb line of Concord Street, if extended, and extending for a distance of 25 feet eastwardly was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11217

SUBJECT: HANDICAP PARKING - SEDGEFIELD STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing handicap parking on the west side of Sedgfield Street beginning at a point 30 feet south of the south curb line of F Street, if extended, and extending for a distance of 25 feet southwardly was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11218

July 21, 1997

SUBJECT: PARKING ON RIGSBEE AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to:

- a. Repeal Ordinance #1969, adopted August 21, 1961, prohibiting parking on the west side of Rigsbee Avenue in the area between Geer Street and a point 165 feet south thereof
- b. Repeal Ordinance #2376, adopted May 3, 1965, prohibiting parking on the west side of Rigsbee Avenue in the area beginning at point 165 feet south of the south curb line of Geer Street, if extended, and extending from that point southwardly for a distance of 285 feet
- c. Repeal Ordinance #2783, adopted November 18, 1968, prohibiting parking on the west side of Rigsbee Avenue in the area north of the north curb line of Corporation Street, if extended, and extending from that point northwardly for a distance of 150 feet

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11219

SUBJECT: FOUR-WAY STOP - MERRICK STREET/DUPREE STREET INTERSECTION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #2785, adopted November 18, 1968, which authorized the installation of stop signs on Merrick Street at Dupree Street, southeast and northwest corners; and

To adopt an ordinance authorizing the installation of a four-way stop at the Merrick Street/Dupree Street intersection was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

Ordinance #11220
Ordinance #11221

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - FORESTVIEW
HEIGHTS SUBDIVISION**

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to lower the speed limit on the following streets from 35 mph to 25 mph:

- 1) Springdale Drive from Driftwood Drive to Sprucewood Drive
- 2) Cedarwood Drive from Springdale Drive to Degaulle Place
- 3) Trinness Drive from Cook Road to Cedarwood Drive
- 4) Willowdale Drive from Sprucewood Drive to Cook Road
- 5) Kanewood Drive from Springdale Drive to Willowdale Drive

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11222

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - TAYLOR
STREET**

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to lower the speed limit from 35 mph to 25 mph on Taylor Street from Driver Street to Alston Avenue was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11223

SUBJECT: YIELD SIGNS - OLD TRAIL DRIVE

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal portions of Ordinance #9520, adopted April 6, 1992, authorizing the installation of stop signs at the following

July 21, 1997

locations:

- 1) #13 Old Trail Drive at traffic circle with Vintage Hill Drive, northwest corner
- 2) #14 Old Trail Drive at traffic circle with Vintage Hill Parkway, southeast corner
- 3) #25 Vintage Hill Drive at traffic circle with Old Trail Drive, southwest corner
- 4) #26 Vintage Hill Parkway at traffic circle with Old Trail Drive, northeast corner

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11224

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of yield signs at the following locations:

- 1) Old Trail Drive at traffic circle, northwest and southeast corners
- 2) Vintage Hill Drive at traffic circle, southwest corner
- 3) Vintage Hill Parkway at traffic circle, northeast corner

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11225

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Miller to approve the 24 Time Payment Petitions listed below was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

1. Billy and Nonnie Faye Baker - 814 Usher Street - Sewer Lateral and Sewer Capital Facility Fee

July 21, 1997

2. Jerry W. and Joyce W. Barnette - 4004 Wake Forest Highway - Sewer Lateral and Sewer Capital Facility Fee
3. Robert C. and Judith M. Berry - 3314 Pinafore Drive - Sewer lateral and Sewer Capital Facility Fee
5. Ted M. and Cynthia N. Bryan - 5812 Wilma Street - Water Lateral and Water Capital Facility Fee
6. Oren J. and Kristi Guzzo Dameron, Jr. - 234 S. Mineral Springs Road - Sewer Lateral and Sewer Capital Facility Fee
7. Mildred L. Easterling - 719 Shay Drive - Sewer Lateral and Sewer Capital Facility Fee
8. Dorothy P. Friedhoff - 4810 Wake Forest Highway - Sewer Lateral, Sewer main and Sewer Capital Facility Fee
9. John W. and Rosa L. Hamilton - 2601 Roanoke Street - Water Capital Facility Fee
10. Russell and Cynthia B. Harrell - 5910 Barbee Road - Water Lateral, Sewer Lateral, Water Main, Water Capital Facility Fee and Sewer Capital Facility Fee
11. Charles A. James - 519 Sherron Road - Sewer Lateral, Sewer Main and Sewer Capital Facility Fee
12. Robert and Linda Lachman - 5405 Memory Lane - Sewer Lateral and Sewer Capital Facility Fee
13. Helen J. Mason - 3226 Dearborn Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
14. Danny and Judy A. McDuffie - 411 Sherron Road - Water Lateral and Water Capital Facility Fee
15. Mollie P. Medlin - 3717 Mt. Moriah Road - Sewer Lateral and Sewer Capital Facility Fee
16. Garrie Devonne Pettiford - 807 Center Street - Sewer Capital Facility Fee
17. Carl C. and Nancy M. Scott - 2004 Bayleaf Drive - Sewer Lateral and Sewer Capital Facility Fee

July 21, 1997

18. L. J. and Sally F. Staunton - 3501 Pickett Road - Water Lateral, Water Main and Water Capital Facility Fee
19. Elizabeth L. Stepp - 2206 Sovereign Street - Water Capital Facility Fee
20. Jimmie L. and Mary P. Strickland - 3111 Umstead Road - Water Main
21. John R. and Betty Tice Turner - 2202 E. Geer Street - Water Lateral, Water Main and Water Capital Facility Fee
22. Otis Donald & Deborah B. Wadford, Jr. - 3701 Larkin Street - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
23. Hattie Bertha Warren - 1345 Ellis Road - Water Lateral, Sewer Lateral, Water Main, Water Capital Facility Fee and Sewer Capital Facility Fee
24. Thomas J. and Annie R. Williams - 3407 Angier Avenue - Sewer Lateral and Sewer Capital Facility Fee

SUBJECT: Water Main - East Geer Street from End of Water Main to Red Mill Road and **Red Mill Road** from East Geer Street to Gorman Church Road - Setting Public Hearing to Consider Ordering Improvement

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for water main on East Geer Street from end of water main to Red Mill Road and Red Mill Road from East Geer Street to Gorman Church Road; and

To adopt a resolution setting a public hearing on Monday, August 4, 1997 to consider ordering the improvement was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: Sidewalk - Holloway Street (South Side) from Brye Street to North Miami Boulevard (Enabling Act Authority)

MOTION by Council Member Larson seconded by Council Member

July 21, 1997

Miller to adopt a resolution setting a public hearing on Monday, August 4, 1997 to consider ordering sidewalk improvements on Holloway Street (south side) from Brye Street to North Miami Boulevard under the Enabling Act Authority was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, August 4, 1997 for confirmation of the following assessment rolls:

- a. **Sewer Main - Umstead Road** from Riverdale Drive to Hallmark Road
- b. **Sewer Main - Mineral Springs Road** from Holder Road to south property line of Tax Map 637-1-6
- c. **Curb, Gutter and Paving - Holman Street** from Angier Avenue to Dead End
- d. **Curb, Gutter and Paving - Belt Street** from Morning Glory Avenue to Franklin Street
- e. **Curb, Gutter and Paving - Primitive Street** from Gurley Street to Queen Street

was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the June 2, 1997 Regular City Council Meeting and June 12, 1997 Special City Council Meeting was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin,

July 21, 1997

Hyman, Langley, Larson, McKissick and Miller. Noes: None.
Absent: Council Member Wright.

[GENERAL BUSINESS AGENDA]

SUBJECT: Sewer Main - Old Oxford Road from West Property Line of Tax Map 330-1-12 to East Property Line of Tax Map 740-2-23A (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to find that the property of Bill R. and Mildred P. Tippet, identified as Tax Map #330-1-12, 204 Old Oxford Road, greater part of Lot 8, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$875.00 (corrects property frontage) was approved at 7:42 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: WATER MAIN - NANCY RHODES DRIVE from Cole Mill Road to North Property Line of Tax Map 767-1-19

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering water main improvements on Nancy Rhodes Drive from Cole Mill Road to north property line of Tax Map 767-1-19 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: STREET CLOSING - SC96-14 - 39,233 SQUARE FEET OF BYNUM STREET, 20,552 SQUARE FEET OF LEWIS STREET; 27,564 SQUARE FEET OF YEARBY STREET; 16,213 SQUARE

July 21, 1997

FEET OF PACE STREET AND 23,318 SQUARE FEET OF GARDEN PLACE

To adopt an Order permanently closing 39,233 square feet of Bynum Street, 20,552 square feet of Lewis Street; 27,564 square feet of Yearby Street; 16,213 square feet of Pace Street and 23,318 square feet of Garden Place.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Paul Vick, representing Duke University, spoke in support of the street closings.

Discussion was held by council on 1) the city's involvement if the streets were closed; 2) access for emergency vehicles; and 3) assurances the city would have from Duke University that the streets would be upgraded.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement until the September 2, 1997 City Council Meeting was approved at 8:07 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: STREET CLOSING - SC97-4, 42,126± SQUARE FEET OF VANCE STREET

To adopt an Order permanently closing 42,126± square feet of Vance Street.

Mayor Kerckhoff opened the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement until the September 2, 1997 City Council Meeting was approved at 8:08 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: STREET CLOSING - SC97-2 DUVAL STREET

July 21, 1997

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an Order permanently closing 11,999± square-foot portion of Duval Street, west of Hoover Road was approved at 8:08 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11226

SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENTS CONCERNING FUEL CANOPIES, COMMUNICATION TOWERS, AND SIGNS FOR FARM PRODUCTS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member McKissick seconded by Council Member Miller to receive a report from the Administration on proposed Zoning Ordinance amendments concerning fuel canopies, communications towers, and signs for farm products was approved at 8:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

- a. Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Canopies

MOTION by Council Member McKissick seconded by Council Member Miller to receive citizens comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Canopies" was approved at 8:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

Ordinance #11227

- b. Ordinance to Amend the Durham Zoning Ordinance to Address Standards for Nonconforming Communication Towers

MOTION by Council Member McKissick seconded by Council Member Miller to receive citizens comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Address Standards for Nonconforming Communication Towers" was approved at 8:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11228

- c. Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Signs for Agricultural Uses and Roadside Stands

MOTION by Council Member McKissick seconded by Council Member Miller to receive citizens comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Signs for Agricultural Uses and Roadside Stands" was approved at 8:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11229

SUBJECT: ZONING MATTER CASE P97-20, CRAIG DAVIS, SOUTHEAST CORNER OF MARTIN LUTHER KING, JR. PARKWAY AND UNIVERSITY DRIVE

Case: P97-20

Applicant: Craig Davis

Location: 33.7 acre site on the southeast corner of the Martin Luther King Jr. Parkway and University Drive (Tax Map

July 21, 1997

434, Block 02, Lots 001C partial, 002 partial and 002C)
Request: Rezoning from OI-2(D) (General Office and Institutional District with Development Plan) to OI-2(D) (Change in Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and placing same in and establishing same as OI-2(D) (Change in Development Plan)

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

Note: The Public Works Committee unanimously recommends that Case P97-20 be continued until August 4, 1997 as requested by the applicant.

Valid protest petition filed against this rezoning.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement until the August 4, 1997 City Council Meeting was approved at 8:10 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**SUBJECT: ZONING MATTER CASE P97-32, GEORGE W. BIRMINGHAM, JR.
DUKE STREET ALONG THE FORMER SOMMERSET DRIVE**

Case: P97-32

Applicant: George W. Birmingham, Jr.

Location: Portions of two lots on the west side of Duke Street along the former Somerset Drive right of way at its intersection with Duke Street, north of Stadium Drive (Tax Map 296, Block 2, Lot 1 [partial] and Tax Map 326, Block 2, Lot 1A [partial])

Request: Rezoning from R-5 (Residential 5 District); F/J-B Overlay to O&I-1(D) (Transitional Office and Institutional District with a Development Plan); F/J-B Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5 and placing same in and establishing same as O&I-1(D).

July 21, 1997

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

George Birmingham, the applicant, stated he was present to answer questions from the council.

No one spoke in opposition. The public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member McKissick to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5 and placing same in and establishing same as O&I-1(D) was approved at 8:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-38, FORTRESS SELF STORAGE, N. C. 54 WEST OF I-40 OVERPASS

Case: P97-38

Applicant: Fortress Self Storage

Location: The 13.42-acre site on N.C. 54, just west of the I-40 overpass; identified as Tax Map 524, Block 02, Lot 008

Request: Rezoning from R-20 (Residential 20); F/J-B (Fall/Jordon Watershed District Basin) and MTC (Major Transportation Corridor) to CT(D) (Commercial Trade District); F/J-B and MTC

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B and MTC Overlays and placing same in and establishing same as CT(D); F/J-B and MTC Overlays.

Zoning Committee's Recommendation and Vote: Denial, 7-0

City Manager's Recommendation: Denial

Note: The Public Works Committee unanimously recommends that Case P97-38 be withdrawn as requested by the applicant.

July 21, 1997

MOTION by Council Member Larson seconded by Council Member Miller to accept the request for withdrawal was approved at 8:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-41, NEW IMAGE HOMES, MIMOSA DRIVE AND OVERBY DRIVE (FORMERLY HORTON DRIVE)

Case: P97-41

Applicant: New Image Homes

Location: 0.61 acre site on the southwest corner of Mimosa Drive and Overby Drive (formerly Horton Drive); identified as Tax Map 515, Block 3, Lot 14

Request: Rezoning from R-20 (Residential 20) to R-10 (Residential 10)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as R-10.

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as R-10 was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-42, MICHAEL RICCOBENE, SOUTHWEST CORNER OF THE INTERSECTION N. C. 54 AND KESTREL DRIVE (FORMERLY GAYLORD DRIVE)

Case: P97-42

July 21, 1997

Applicant: Michael Riccobene

Location: The 1.38-acre site is located on the southwest corner of the intersection of N.C. 54 and Kestrel Drive (formerly Gaylord Drive); identified as Tax Map 427, Block 3, Lots 3, 4, and 4A

Request: Rezoning from R-20 (Residential 20); F/J-B (Falls/Jordan Watershed District Basin) to OI-1 (Transitional Office and Institutional District); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B Overlay and placing same in and establishing same as OI-1; F/J-B Overlay.

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B Overlay and placing same in and establishing same as OI-1; F/J-B Overlay was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-43, INDRA GROUP, SOUTHWEST CORNER OF UNIVERSITY DRIVE AND SHANNON ROAD

Case: P97-43

Applicant: Indra Group

Location: 6.366-acre site on the southeast corner of University Drive and Shannon Road (Tax Map 435, Block 02, Lot 004)

Request: Rezoning from OI-1(D) (Transitional Office and Institutional District with Development Plan) and OI-2(D) (General Office and Institutional District with Development Plan) to GC(D) (General Commercial with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same

July 21, 1997

being Chapter 24 of the Durham City Code, by taking the above described property out of OI-1(D) and OI-2(D) and placing same in and establishing same as GC(D).

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ms. Lee Ventura, representing the applicant, spoke in support of the request.

Nonna Skumanich, a resident of Durham, stated she was not opposed to the request but noted if consideration was being given to widen Shannon Road, the outside lanes should be 14 feet to allow for bicycle use.

Mayor Kerckhoff closed the public hearing.

Council Member McKissick requested information on the specific building materials being used for this proposal.

Paul Norby, of the City/County Planning Department, stated the elevations relative to the proposal are a part of the development plan. Mr. Norby stated that the specific building materials and design would be reviewed during the site plan stage. He noted if council chose to ask the developer to include specifics relative to building materials and the developer agrees, that could be noted on the plan. Mr. Norby stated the staff was very confident that the building would be high quality and very attractive. He also briefed council on the ordinance requirements relative to development plans.

Mayor Pro Tem Robinson noted that the ordinance as it is written should guide the decision-making process of the council.

Mayor Kerckhoff noted discussion regarding the design and building materials on various projects had come up several times in the past. The Mayor asked the staff if they would submit a recommendation to the council noting the appropriate place for questions regarding design and building materials.

Council Member Larson suggested that the Joint City/County Planning Committee review the issue of design and building materials.

July 21, 1997

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-1(D) and OI-2(D) and placing same in and establishing same as GC(D) was approved at 8:45 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-33, CITY OF DURHAM, PARKWOOD ANNEXATION AREA

Case: P97-33 (Annexation)

Initiated By: City of Durham

Location: The Parkwood Annexation Area consists of 1,187.88 acres located south of Highway 54 right of way from Barbee Road east to the existing City limits of Durham, and south past Sedwick Drive

Request: Initial zoning of property newly annexed into the City--No change in zoning classification is proposed. Proposed City Zoning is RD, R-20, R-20(D), R-10, RM-12, NC, GC(D), CT, CT(D), and MTC and F/J-B Overlays

To adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-20(D), R-10, RM-12, NC, GC(D), CT, CT(D), and MTC and F/J-B Overlays.

Zoning Committee's Recommendation and Vote: N/A

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-20(D), R-10, RM-12, NC, GC(D), CT, CT(D), and MTC and F/J-B Overlays was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

**SUBJECT: ZONING MATTER CASE P97-34, CITY OF DURHAM, SOUTH
MIAMI BOULEVARD ANNEXATION AREA**

Case: P97-34 (Annexation)

Initiated By: City of Durham

Location: The South Miami Boulevard Annexation Area consists of 2,333.14 acres located south of Angier Avenue and Ellis Road, east of the Research Triangle Park boundary and existing City limits, south and east to Page Branch, a tributary of Stirrup Iron Creek

Request: Initial zoning of property newly annexed into the City. No change in zoning classification is proposed. Proposed City zoning is RD, R-20, R-10, PDR-2.58, PDR-4.47, NC, GC, SC, OI-2, I-1, I-2

To adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-10, PDR-2.58, PDR-4.47, NC, GC, SC, OI-2, I-1, I-2.

Zoning Committee's Recommendation and Vote: N/A

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-10, PDR-2.58, PDR-4.47, NC, GC, SC, OI-2, I-1, I-2 was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**SUBJECT: ZONING MATTER CASE P97-35, CITY OF DURHAM, UMSTEAD
ROAD, WEST OF GUESS ROAD, EAST OF RIVERDALE DRIVE
AND NORTH OF CROASDAILE FARM SUBDIVISION**

Case: P97-35 (Annexation)

Initiated By: City of Durham

Location: The 1,175.85 acre site is located south of Umstead Road, west of Guess Road, east of Riverdale Drive, and north of Croasdaile Farm Subdivision (Tax Maps 767, 770, 771, 772, 773, 773A, 774, 775, 776, 808, 809, 820, 821, 822, 834)

July 21, 1997

Request: Initial zoning of property newly annexed into the City. No change in zoning classification is proposed. Proposed City zoning is RD, R-20, PDR-4, PDR-2.2, PDR-1.702, NC, O&I-2(D); Eno-B Overlay

To adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, PDR-4, PDR-2.2, PDR-1.702, NC, O&I-2(D); Eno-B Overlay

Zoning Committee's Recommendation and Vote: N/A

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, PDR-4, PDR-2.2, PDR-1.702, NC, O&I-2(D); Eno-B Overlay was approved at 8:47 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ZONING MATTER CASE P97-36, CITY OF DURHAM, GOODWIN ROAD, WEST OF VANTAGE POINT SUBDIVISION, EAST OF GUESS ROAD AND NORTH OF CROSS CREEK SHOPPING CENTER AND HORTON ROAD

Case: P97-36 (Annexation)

Initiated By: City of Durham

Location: The 1,684.18 acre site is located south of Goodwin Road, west of Vantage Point Subdivision, east of Guess Road, and north of Cross Creek Shopping Center and Horton Road (Tax Map 748, 749, 777, 777A, 778, 779, 803A, 804, 805, 806, 807, 823, 824, 825, 830, 831, 832, 842, and 843)

Request: Initial zoning of property newly annexed into the City. No change in zoning classification is proposed. Proposed City zoning is RD, R-20, R-10, PDR-6, RM-12(D), NC, SC(D), CT and Eno-B and F/J-B Overlays

To adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-10, PDR-6, RM-12(D), NC, SC(D), CT and Eno-B and F/J-B Overlays.

July 21, 1997

Zoning Committee's Recommendation and Vote: N/A

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing City zoning for the above described property as follows: RD, R-20, R-10, PDR-6, RM-12(D), NC, SC(D), CT and Eno-B and F/J-B Overlays was approved at 8:47 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

[OTHER MATTERS]

SUBJECT: TAXICAB COMMISSION REPORT

To receive a report from the Taxicab Commission and to take action on the following recommendation of the Taxicab Commission--pursuant to Section 22.159.10 of the Durham City Code:

Transfer of Operator's License - Thompson's Cab Company #54 to Zaheer Bajwa, owner of Bajwa's Road Runner Cab Company

Taxicab Inspector's Recommendation: Transfer operator's license (in accordance with City Code)

Taxicab Commission's Recommendation; Transfer operator's license (Vote 2-1)

MOTION by Council Member Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [transfer operator's license - Thompson's Cab Company #54 to Zaheer Bajwa, owner of Bajwa's Road Runner Cab Company] was approved at 8:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

July 21, 1997

**SUBJECT: MWBE SUBCOMMITTEE RECOMMENDATIONS FOR REVISIONS TO
MWBE ORDINANCE**

To discuss the MWBE Subcommittee recommendations for revisions to the MWBE Ordinance.

MOTION by Council Member Larson seconded by Council Member Miller to bring this matter back to Council at the September 2, 1997 City Council Meeting was approved at 8:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: FUNDING FOR THE ARTS

To refer to the City Manager for a recommendation for the 1998-1999 Fiscal Year on the funding for the Arts [1.5 cents on tax rate].

[Follow-up to concerns by The Durham Art Guild, Inc. and Mallarme Chamber Players on funding process for 1997-98]

A motion was made by Council Member Larson seconded by Council Member Clement to approve the item as printed on the agenda.

Council Member Cox asked for clarification on the motion.

City Manager Ewell stated it was his understanding that the administration was being asked go back and review the 98-99 FY and come up with a recommended procedure on how to allocate funds.

Council Member Cox stated he wanted to separate the Carolina Theatre, Durham Arts Council and St. Joseph's because he was not in favor of reviewing the funding of these three facilities. He noted if the council was looking to review the three facilities to allocate more money for other art organizations, he could not support that.

Council Member Brown noted she was totally opposed to any organization having a line item with the exception of the three institutions that have buildings [Carolina Theatre, Durham Arts Council and St. Joseph's]. She noted she would support the motion as printed to allow the City Manager to submit a recommendation. Council Member Brown stated she was

July 21, 1997

supportive of the initial recommendation that the Durham Arts Council be the mechanism for making the decisions for arts funding.

Council Member Cox noted he supported the comments of Council Member Brown but that was not what the motion was directing the City Manager to do. He noted the motion is to review all of the art agencies. Mr. Cox stated that the council previously reviewed all of the art agencies.

Council Member Larson stated that Council Member Cox's comments were consistent with the discussion at the Finance Committee which was to continue funding for the facilities and to look at the programmatic funding. Council Member Larson offered a friendly amendment to his original motion "revisit the 1.5 cents with a particular eye on programmatic funding mechanism".

MOTION by Council Member Larson seconded by Council Member Clement to refer to the City Manager for a recommendation for the 1998-1999 Fiscal Year on the funding for the Arts; and

To revisit the 1.5 cents with a particular eye on programmatic funding mechanism was approved at 8:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Hyman, Langley, Larson and McKissick. Noes: Council Members Miller and Griffin. Absent: Council Member Wright.

SUBJECT: SOLID WASTE REDUCTION

To discuss increasing the reduction in solid waste to 50% by year 2001.

MOTION by Council Member Clement seconded by Council Member Miller to continue this matter until the August 4, 1997 City Council Meeting was approved at 8:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Note: Discussion to take place at the July 31, 1997 Committee-of-the-Whole Meeting.

SUBJECT: SITE PLAN APPROVAL - FARMINGTON ASSISTED LIVING CENTER

July 21, 1997

Tony Free noted that had reached an agreement with the homeowner's association and they were ready to begin construction.

MOTION by Council Member Larson seconded by Council Member Clement to approve a site plan for Farmington Assisted Living Center, submitted by Tony Free, representing Days Development Company, consisting of a 38-bed, 1-story, 21,874-square foot building on 5.88 acres, zoned RM-12, F/J-B, located on the north side of Farmington Drive between Farrington and Falconbridge Roads (Tax Map 492C, Block 1-1A, 53) was approved at 8:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: STATUS REPORT FROM ADMINISTRATION ON IMPROVED NOTIFICATION PROCESS FOR PROPOSED ZONING CHANGES

MOTION by Council Member Larson seconded by Council Member Clement to receive a report from the Administration on an improved process for proposed zoning changes was approved at 8:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: ACQUISITION OF PROPERTY FOR THE LANDFILL PROPOSED ON SITE 17A, PROPERTIES OF NELLIE V. LEONARD AND JOHN C. ROBINSON AND WIFE LINDA C. ROBINSON

Jackie Brown, representing the North East Neighborhood Association, asked why the city was purchasing these two homes.

City Manager Ewell stated it was his understanding that in order for the city to move forward with the landfill, the city needed to own the property.

Assistant City Manager Bethea stated the city would have to own the property within 300 feet and there could not be any houses within 500 feet.

Jackie Brown questioned why the city would pursue purchasing homes when the city was not sure if there would be a landfill

July 21, 1997

on Club Boulevard. Ms. Brown requested council not to approve acquiring any more homes in the neighborhood until the city had a permit on hand from the state stating that the city had the site.

a. Property of Nellie V. Leonard

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of a residential lot and dwelling, Tax Map 686-02-033, property of Nellie V. Leonard for \$76,000 was approved at 9:11 p.m. by the following vote:

Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Cox, Griffin, Hyman, Langley, Larson and Miller. Noes: Council Members Engelhard, McKissick and Brown. Absent: Council Member Wright.

b. Property of John C. Robinson and Wife Linda C. Robinson

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of a residential lot and dwelling, Tax Map 686-02-034, property of John C. Robinson and Wife Linda C. Robinson for \$110,000, and to approve a payment in lieu of relocation and moving allowance in the amount of \$25,500 was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Cox, Griffin, Hyman, Langley, Larson and Miller. Noes: Engelhard, McKissick and Brown. Absent: Council Member Wright.

[SUPPLEMENTAL AGENDA]

SUBJECT: REGIONAL TRANSPORTATION LEGISLATION

MOTION by Council Member Larson seconded by Council Member Clement to support the construction of a regional rail system to serve the Triangle area to ease growing transportation needs and to foster economic development; and

To request the Durham County Delegation to support HB 1231 without the proposed amendments eliminating the rental car tax, excluding "replacement vehicles" from the rental car tax, or disallowing Durham the option of increasing the auto license tag fee to support local transportation was approved at 9:14 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick

July 21, 1997

and Miller. Noes: None. Absent: Council Member Wright.

MOTION by Council Member Clement seconded by Council Member Miller to direct the City Manager to forward an E-Mail message to N. C. House of Representatives Members; Legislative Finance Committee Members and to the surrounding six county delegations requesting that Durham be allowed to increase its vehicle registration fee as a part of HB 1231 to support local transportation was approved at 9:28 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

[ITEMS REMOVED FROM THE CONSENT AGENDA]

SUBJECT: VICTIM OF CRIME ACT GRANT AWARD FISCAL YEAR 1997 TO FUND A "HISPANIC OUTREACH INTERVENTION STRATEGY TEAM"

Brother Melvin Muhammad, representing Brothers Protecting the Hood, stated problems needed to be solved in the black community before awarding grant money to the Hispanic Community.

Lenora Smith, a resident of the Old Five Points Neighborhood, stated the residents have noticed a difference since volunteers with Brothers Protecting the Hood patrol the corner and the surrounding streets keeping watch out for crime. Ms. Smith made available information to council outlining items needed by Brother Protecting the Hood to help with their efforts in the community.

MOTION by Council Member Larson seconded by Council Member Miller to accept the Victim of Crime Act grant award in the amount of \$71,488 from the North Carolina Department of Crime Control and Public Safety and to ratify the Interim City Manager's signature on the award documents; and

To adopt the "City of Durham and North Carolina Department of Crime Control and Public Safety/Governor's Crime Commission Grant Project Ordinance" was approved at 9:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

Ordinance #11206

July 21, 1997

**SUBJECT: POLICE PSYCHOLOGICAL SERVICES CONTRACT, CARY
PSYCHOLOGY, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$39,075 between Cary Psychology, Inc. and the City of Durham for police psychological services was approved at 9:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

**SUBJECT: ROCKY CREEK/PEARSONTOWN TRAILS CONSULTANT CONTRACT -
G. H. WILLIAMS COLLABORATIVE, P.A.**

Council Member Clement stated he would be voting in support of this item. He noted there was no conflict of interest in terms of his relationship with Mr. Williams.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$40,000, with a contingency of \$6,000, with G. H. Williams Collaborative, P.A. for planning, landscape architectural, and engineering consultant services for the Rocky Creek/Pearsonstown Trails portion of the Durham Trails and Greenways was approved at 9:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Wright.

SUBJECT: SITE PLAN APPROVAL - CARMIKE CINEMAS EXPANSION

To approve a site plan for Carmike Cinemas Expansion, submitted by R. L. Horvath, consisting of a 9,251 square foot expansion to an existing 180,270 square foot movie theater with new parking facilities proposed on ±14.24 acres zoned SC(D) and O&I-1(D), located at 1800 Martin Luther King, Jr. Boulevard, southwest of the intersection with Shannon Road (Tax Map #434-2-7, 7C and 7D).

Ms. Nonna Skumanich, a resident of Durham, spoke in opposition to this proposal due to present traffic problems at the shopping center. She stated the traffic patterns needed to be addressed before there is expansion to the

July 21, 1997

theater.

Jim McDonald, a resident of Durham, also spoke in opposition due to the traffic congestion and parking.

MOTION by Council Member Clement seconded by Council Member Brown to direct the administration to review the concerns relative to ingress, egress and parking [item to come back before the Public Works Committee] was approved at 10:27 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson and McKissick. Noes: Council Member Miller. Absent: Council Member Wright.

There being no further business to come before the Council, the meeting was adjourned at 10:28 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk